

RULEMAKING NOTICE FORM

Notice Number _____

Rule Number Env-A 1900

1. Agency Name & Address:

**Dept. of Environmental Services
P.O. Box 95
Concord, NH 03302-0095**

2. RSA Authority: **RSA 125-C:4, I(a)**

3. Federal Authority: **N/A**

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment **X**

5. Short Title: **INCINERATORS**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

Env-A 1900, *Incinerators*, will expire on April 1, 2005 unless readopted prior to that time. Env-A 1900 contains particulate matter and visible emission standards for incinerators and wood waste burners. The Department proposes to readopt Env-A 1900 with several amendments that are designed to streamline the chapter rather than affecting the substantive requirements. The changes include but are not limited to the following described changes. Those subsections of the existing rule that require compliance with various subparts of 40 CFR 60 which are incorporated by reference in Env-A 500 are proposed to be included in a new section to clarify the applicability of this chapter. The Department proposes to combine the existing Env-A 1904.01 and Env-A 1904.02 requirements into one section which will cover all incinerators regardless of the date of installation with an exception for those incinerators that meet certain applicability criteria thus requiring compliance with 40 CFR 60, Subpart E.

6. (b) Brief description of the groups affected:

Except as provided in Env-A 1902.01(b) and 1902.02, the proposed rule affects any incinerator required to obtain a permit pursuant to Env-A 600 or any wood waste burner as defined in Env-A 101.304.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Provision of the Proposed Rule	Specific State Statute the Rule is Intended to Implement
Env-A 1901.01 through 1904.01	RSA 125-C:4, I(a); RSA 125-C:6, II
Env-A 1904.02 (existing 1904.04 renumbered as 1904.02)	RSA 125-C:4, I(a); RSA 125-C:6, II
Env-A 1905.01 (existing 1904.05 renumbered as 1905.01)	RSA 125-C:4, I(a); RSA 125-C:6, II
Env-A 1906.01 and 1906.02 (existing 1905.01 and 1905.02 renumbered as 1906.01 and 1906.02)	RSA 125-C:4, I(a); RSA 125-C:6, II

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Sheri Eldridge-Banack	Title:	ARD SSMB Planning Specialist
Address:	Dept. of Environmental Services P.O. Box 95 Concord, NH 03302-0095	Phone #:	271-0880
		Fax#:	271-7053
		E-mail:	sbanack@des.state.nh.us
	The proposed rule can be viewed and downloaded at http://www.des.state.nh.us/ard/prpsdrul.htm .	TTY/TDD Access:	Relay NH 1-800-735- 2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Thursday, January 20, 2005 at 4:00 pm**

☒ Fax ☒ E-mail ☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Monday, January 10, 2005, 9:30 am**
Place: **NH Dept. of Environmental Services
Room 114
29 Hazen Drive
Concord, NH 03301**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 04:236 , dated November 18, 2004

Fiscal Impact Statement for Department of Environmental Services rules governing the Acid Deposition Control Program. [Env-A 1900]

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There are no costs attributable to either the proposed or existing rules.

2. Cite the Federal mandate. Identify the Impact on state funds:

There is no federal mandate for the proposed rules. However, the existing rules are part of the State Implementation Plan (SIP), which has been approved the U.S Environmental Protection Agency pursuant to Section 110 of the Clean Air Act, 42 U.S.C. 7410. The State would be in violation of the SIP and would potentially be subject to sanctions if it allowed the existing rules to expire.

3. Cost and benefits of the proposed rule(s):

There are no costs attributable to the existing or proposed rules because, even if the existing rules are allowed to expire, affected sources would still be required to comply with the requirements of the federal rule that incorporates it at 40 CFR 52.1520.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rules do not violate Part I, Article 28-A of the New Hampshire Constitution, because they do not assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state in such a way as to necessitate additional local expenditures.